

DEFINITIONS FOR TERMS USED IN THE VTVPA

Severe Forms of Trafficking in Persons as defined by VTVPA §103(8). The term "severe forms of trafficking in persons" means-

- (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Sex Trafficking as defined by VTVPA §103(9). The term "sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

Commercial Sex Act as defined by VTVPA §112(a) amending chapter 77 of title 18, United States Code, to add 18 U.S.C. §1591. The term "commercial sex act" means any sex act, on account of which anything of value is given to or received by any person.

Force is not defined by statute. Corpus Juris Secundum (C.J.S.) states that depending on the circumstances, "force" has been held equivalent to, or synonymous with, "coercion," "compulsion," "constraint," and "restraint." C.J.S. also states that the word "force" does not always imply the use of actual, active, physical force or violence, but rather can include can include threats.

Fraud is not defined by statute. Corpus Juris Secundum states that "fraud" is a generic term which embraces all the multifarious means which human ingenuity can devise and are resorted to by one individual to gain an advantage over another by false suggestions or by suppression of the truth. C.J.S. also states that in its legal sense, "fraud" is defined as an intentional perversion of truth for the purpose of inducing another in reliance upon it to part with the valuable thing belonging to him or to surrender a legal right."

Coercion as defined by VTVPA §112(a)(2) amending chapter 77 of title 18, United States Code, to add 18 U.S.C. §1591. Coercion means:

threats of serious harm to or physical restraint against any person;
any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
the abuse or threatened abuse of law or the legal process.

Forced Labor as defined by VTVPA §112(a)(2) amending chapter 77 of title 18, United States Code, to add 18 U.S.C. §1589. The term forced labor means knowingly providing or obtaining the labor or services of a person:

- (1) by threats of serious harm to, or physical restraint against, that person or another person;
- (2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or
- (3) by means of the abuse or threatened abuse of law or the legal process

Involuntary Servitude as defined by VTVPA §103(5) means a condition of servitude induce by means of:

- (A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or
- (B) the abuse or threatened abuse of the legal process.

Relevant Caselaw:

Section 102(b)(13) of the VTVPA, explicitly addresses the Supreme Court's analysis in United States v. Kozminski, 487 U.S. 931 (1988). The VTVPA states that "[I]nvoluntary servitude statutes are intended to reach cases in which persons are held in a condition of servitude through nonviolent coercion."

- 2 In determining the question of involuntariness of servitude, court should consider whether conduct would have had the claimed effect upon a reasonable person of the same general background and experience; thus, the particular individual's background is relevant in deciding whether he or she was coerced into laboring for defendant. U.S. v. Mussry, 726 F.2d 1448 (9th Cir. 1984).

Peonage is not defined by statute. The term is defined in caselaw as "a status or condition of compulsory service or involuntary servitude based upon a real or alleged indebtedness." See Pierce v. U.S., 146 F.2d 84 (5th Cir. 1944).

Debt Bondage as defined by §103(4) of the VTVPA means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Slavery is not defined by statute